

CHARTER
OF THE
COUNTY of ALAMEDA

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UNIVERSITY OF CALIFORNIA

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CHARTER

Of the County of Alameda, State of California

NAME AND RIGHTS OF THE COUNTY

Sec. 1: The County of Alameda as it now exists is a body corporate and politic, and as such has and shall have all the powers which are now or may be hereafter specified by the Constitution and laws of the State of California, and by this Charter and such other powers as are necessarily implied.

Sec. 2: The powers mentioned in the preceding section can be exercised only by a Board of Supervisors or by agents and officers acting under their authority or by authority of law or of this Charter.

Sec. 3: The corporate name shall be "County of Alameda", which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. Its boundaries and county seat shall remain the same as they are now, until otherwise changed by law.

BOARD OF SUPERVISORS

Sec. 4: The County of Alameda shall have a Board of Supervisors consisting of five members who shall have such executive, legislative and other powers as are now or may be hereafter specified by the Constitution or laws of the State of California or by this Charter. Each member must be an elector of the district which he represents, must reside therein during his incumbency, must have been such an elector for at least one year immediately preceding his election, and shall be nominated and elected at the time and in the manner and for the term now or hereafter provided by general law. Each member of the Board of Supervisors shall receive as compensation for his services as such Supervisor the salary fixed by general law. Section 5 of this Charter is hereby repealed.

(Amendment ratified June 4, 1946. In effect July 25, 1946.)

Sec. 5: (Repealed. Repeal ratified June 4, 1946. Effective July 25, 1946).

Sec. 6: The County of Alameda is hereby divided into five supervisor districts, the boundaries and designations of which shall be and remain as they now are until otherwise changed as provided in this Charter.

Sec. 7: The Board of Supervisors may by a two-thirds vote of its members, change the boundaries of any or all of the supervisorial districts of the county; provided, however, that the Board shall, by January 31, 1956, and at intervals of not more than every ten years after said date, change the boundaries of the supervisorial districts of the county pursuant to the method and limitations prescribed by this Section, giving consideration to the following factors: (a) population, (b) topography, (c) geography, (d) cohesiveness, contiguity, integrity, and compactness of territory, and (e) community of interests of the districts. The boundaries of any supervisorial district shall not at any time be changed so as to affect the term of office of any supervisor who has been elected or appointed and whose term of office has not

expired. A change in the boundaries of a supervisorial district shall not be made within a period commencing ninety days preceding a primary election and ending the day after the succeeding general election.

(Amendment ratified June 8, 1954. In effect March 8, 1955.)

Sec. 8: Whenever a vacancy occurs on the Board of Supervisors the Governor shall fill the vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case there shall be elected at the next general election a supervisor to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

Sec. 9: No supervisor shall, during the term for which he shall have been elected, or for one year thereafter, be eligible for appointment to any office or position carrying compensation and created by this Charter or by ordinance.

Sec. 10: The Board of Supervisors shall elect a Chairman, who shall preside at all meetings. In case of his absence or inability to act, the members present must select one of their number to act as Chairman temporarily. Any member of the Board may administer oaths when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the Board shall be valid or binding unless a majority of the members concur therein.

(Amendment ratified June 4, 1946. In effect July 25, 1946.)

GENERAL POWERS OF THE BOARD OF SUPERVISORS

Sec. 11: The Board of Supervisors shall have all the jurisdiction and powers which are now or which may be hereafter granted by the Constitution and laws of the State of California, or by this Charter.

Sec. 12: It shall be the duty of the Board of Supervisors:

(a) To appoint all county officers other than elective officers, and all officers, assistants, deputies, clerks, attaches and employees whose appointment is not otherwise provided for by this Charter. Except in the cases of appointees to the unclassified service, all appointments by the Board shall be made from the eligible civil service list.

(b) To provide, by ordinance, for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches and employees unless such compensation is otherwise fixed by this Charter. The compensation of elective officers shall be fixed at least six months prior to the election of such officer. The compensation of elective officers shall not be increased or diminished after the election of such officer or during his term of office; provided, however, that the Board of Supervisors may allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their terms of office, and that the Board of Supervisors may also increase the compensation of such deputies or assistants during the term of office of such officers.

(c) To provide, by ordinance, for the number of Justices of the Peace and Constables in each township. The Board may also provide by ordinance for the number and fix the compensation of such other judges and officers of such inferior courts as are now, or may be hereafter, provided by the Constitution or by general law.

(d) To provide, by ordinance, for the number of assistants, deputies, clerks, attaches and other persons to be employed from time to time in the several offices and institutions of the County.

(e) To provide, by ordinance, for the creation of offices, boards and commissions other than those required by the constitution and laws of the State, and for the appointment of persons to fill such offices, boards and commissions, and to prescribe their powers and duties and fix their compensation.

(f) To require any county or township officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the Board. The premium for such bond shall be paid by the County.

(g) To provide, publish and enforce a complete code of rules not inconsistent with general laws of this Charter, prescribing in detail the duties and the systems of office and institutional management, accounts and reports for each of the offices, institutions and departments of the County.

(h) To provide, by ordinance, for the consolidation and segregation of county offices.

(i) To let all contracts for any public work in accordance with the laws of the State of California; provided, that if the estimated cost of such work is \$2000 or less the Board may secure from at least three responsible bidders estimates of the cost of such work. Such estimates must be secured from contractors actually engaged in the type of work required, and must be submitted in writing and filed with the Clerk of the Board, and if any such estimate of cost is less than Two Thousand Dollars (\$2,000.00), the Board may thereupon let a contract for such work to the lowest responsible bidder so submitting an estimate.

(j) (Repealed. Repeal ratified June 4, 1946, effective July 25, 1946.)

Sec. 12¼: It shall be the duty of the Board of Supervisors to provide in every contract for the performance of labor, that the prevailing schedule of hours in private employment, but not to exceed eight hours, shall constitute a day's work, that the contractor and all subcontractors under him shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment; and that preference shall be given in the employment of labor to persons who shall have resided in Alameda County for at least six months prior to employment. Subdivision (j) of Section 12 of this Chapter is hereby repealed.

(Admendment ratified June 4, 1946. In effect July 25, 1946.)

Sec. 12½: It shall be the duty of the Board of Supervisors to provide in every contract let by such Board for any public work or improvement, exclusive of purchases, whether such work is to be done directly under such contract or indirectly by or under sub-contract, that all laborers and mechanics employed, in the execution of such contract, within the limits of the County shall have been residents of the County for a period of one year immediately preceding the date of their engagements to perform labor thereunder provided, however, that the Board of Supervisors may, upon application of the contractor, waive such residence qualifications and issue a permit specifying the extent and terms of such waiver whenever the fact be established that the required number of laborers and mechanics possessing qualifications required by the work to be done cannot be engaged to perform labor thereunder, provided further, that in the event that such work is to be paid for, wholly or in part, by moneys derived from sources other than the County of Alameda upon conditions which are incompatible with the requirements of this subdivision, then and in that event the Board of Supervisors may waive such residence qualifications by a four-fifths (4/5) vote and issue a permit specifying the extent and terms of such waiver.

The Board of Supervisors shall have power and authority to make and enforce regulations in the premises not in conflict with the provisions hereof.

(Amendment ratified December 19, 1933. In effect January 10, 1935.)

Sec. 13: The Board of Supervisors may create a County Institutions Commission, a Welfare Council, and a Public Health Center, and provide for the appointment of the members thereof, to serve without compensation; fix their terms of office, prescribe their duties, and may consolidate any two or more of said Commissions.

Sec. 14: The Board of Supervisors, if deemed expedient, may provide, after actuarial investigation, by ordinance adopted by a four-fifths vote, for the purchase of annuities or insurance for County employees, or for an annuity or insurance fund, the basis of which in whole or part, shall be contribution by the employees to be benefited; provided, however, such ordinance shall not take effect until it shall have been submitted to the electors of the County at a general election and a majority of the electors voting on said ordinance at said election shall have voted in favor thereof.

(Amendment ratified November 6, 1928. In effect January 14, 1929.)

Sec. 14½: Anything to the contrary herein notwithstanding, the Board of Supervisors shall as a part of the compensation of peace officers who are employees of the County of Alameda establish by ordinance on or before July 1, 1945, a system of monthly benefits for death or disability suffered in the line of duty. For the purpose of this section peace officers are defined as the sheriff, undersheriff, constables, deputy sheriffs, deputy constables employed and compensated as such by the County of Alameda, radio technicians and radio operators in the office of the sheriff, inspectors in the office of the district attorney, and the persons regularly serving as traffic officers in the estuary tube. The monthly benefits for disability so provided shall not be less than one-half the salary being received by such peace officer entitled thereto when suffering such injury but in no event to exceed the sum of One Hundred Twenty-five and 00/100 Dollars (\$125.00) per month, and in the event of death the benefits so provided shall be payable to such peace officer's dependents during their dependency as determined by the Board of Administration hereinafter provided for. All funds necessary to pay such benefits shall be contributed solely by the County of Alameda. Said ordinance shall provide for a Board of Administration consisting of five members who shall be appointed for a term of four years by the Board of Supervisors to administer such system.

(Admendment ratified November 7, 1944. In effect January 15, 1945.)

Sec. 14¾: Notwithstanding any other provision of this Charter, or any ordinance adopted pursuant to the provisions thereof, the Board of Supervisors shall have the authority, by a four-fifths vote of its members, to provide for the participation in the State Employees' Retirement System, or in any other retirement system now or hereafter authorized or established by the Laws of the State of California, of the County of Alameda and all persons in the present County Retirement System and all other persons in the service of the County who are eligible to membership in such state or other retirement system. The Board of Supervisors shall thereupon have authority to provide, by a like vote of its members, for the dissolution of the present County Retirement System, and also to provide, by a like vote of its members, for the transfer of moneys and other assets of the present County Retirement System to such state or other retirement system in accordance with the laws of the State of California in effect at the time of such transfer.

(Amendment ratified June 4, 1946. In effect July 25, 1946.)

COUNTY OFFICERS OTHER THAN SUPERVISORS

Sec. 15: The elective County officer other than the members of the Board of Supervisors shall be:

Auditor
Assessor
District Attorney
Sheriff
Superintendent of Schools
Treasurer
County Clerk
Recorder
Tax Collector

The Tax Collector shall be ex-officio License Collector.

(Amendment ratified June 2, 1964. In effect March 18, 1965.)

Sec. 16: All elective officers shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law.

Sec. 17: The appointive County officers shall be:

Board of Education, Members of
Board of Law Library, Trustees, Members of
Civil Service Commission, Members of
Coroner
Fish and Game Warden
Health Officer
Horticultural Commissioner
Probation Committee, Members of
Probation Officer
Public Administrator
Public Defender
Public Works, Director of
Purchasing Agent
Surveyor

Such other officers as are not mentioned in Section 15 hereof.

Such other officers as may be hereafter provided by law shall also be appointive.

(Amendment ratified June 2, 1964. In effect March 18, 1965.)

Sec. 17.2: Section 17.1 of this Charter shall not apply to the office of Coroner.
(Amendment ratified June 5, 1956. Effective January 24, 1957.)

Sec. 17.3: The amendment of Sections 15 and 17, to provide that the office of Surveyor shall be appointive, shall not affect the tenure in office of the elective incumbent Surveyor in office at the time said amendment becomes effective, and said officer shall hold said office until expiration of the term for which he shall have been elected; provided however, that should a vacancy sooner occur, the Board of Supervisors may appoint a successor pursuant to Section 17. At any time that the Board of Supervisors may appoint a Surveyor, said Board may also, by ordinance, consolidate said office with the office of Director of Public Works. The Director of Public Works shall perform such functions and duties as shall be specified hereafter by ordinance. The Director of Public Works and the appointive Surveyor shall be in the classified civil service. Section 32 of this Charter is hereby repealed effective on the date of the expiration of the term of the incumbent Surveyor in office at the time this amendment becomes effective, or upon the date of a vacancy in said office, whichever first occurs.

(Amendment ratified June 2, 1964. In effect March 18, 1965.)

Sec. 18: The Members of the Juvenile Justice Commission and the Members of the Law Library Trustees shall be appointed in the manner and for the terms now or hereafter provided by general law. The Probation Officer shall be appointed by the Juvenile Court Judge on nomination by the Juvenile Justice Commission. Any nomination of a candidate or candidates by the Juvenile Justice Commission shall be made from a list of persons certified by the Civil Service Commission following a Civil Service examination. The first such regular appointment to the position of Probation Officer shall be from a list of candidates who shall have qualified by an open competitive examination.

(Amendment ratified June 4, 1968. In effect July 8, 1968.)

Sec. 19: All officers, boards, and commissions to whom fees are paid for the performance of official duties, and all officers or employees collecting or receiving any moneys pertaining to or for the use of the County, shall make regular monthly settlements and accounts of their collections. Such moneys shall be transmitted or paid to the Treasurer daily, and the Treasurer and the Auditor shall credit such officer or employee with the amount so paid. Such officer or employee shall upon his regular monthly settlement be credited with all amounts so paid to the Treasurer and not included in his previous settlements.

Sec. 20: Whenever a vacancy occurs in an elective County office, other than a member of the Board of Supervisors, the Board of Supervisors shall fill such vacancy, and the appointee shall hold office until the election and qualification of his successor. In such case there shall be elected at the next general election an officer to fill such vacancy for the unexpired term, unless such term expires on the first Monday after the first day of January succeeding said election.

Sec. 20.5: The Board of Supervisors shall have the authority to suspend an elected county officer who has been charged by information or indictment with a felony related to misconduct in office, pending the trial of such charges.

Such authority to suspend shall be exercised by the adoption by resolution of the Board of Supervisors of a declaration of intention to suspend such official, which declaration shall set forth the grounds upon which such action is proposed to be taken and specify the time and place of the meeting at which the Board of Supervisors will meet to consider such action, which hearing shall be held not less than 5 days after the adoption of such resolution. The Clerk of the Board of Supervisors shall immediately furnish a copy of such resolution to such officer by delivering it to him personally, or by mailing a copy thereof by registered mail to his official business address and to his residence address.

If the charges are sustained by not less than a majority of the members of the Board of Supervisors, such officer shall be suspended forthwith without compensation pending the trial of such charges, and the Board of Supervisors shall appoint a qualified person to discharge the duties of the office during the period of such suspension, and require the person so appointed to furnish an official bond in an amount to be fixed by the Board of Supervisors.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

TOWNSHIP OFFICERS

Sec. 21: In each township there shall be as many Justices of the Peace as are, or may be hereafter provided by general law, and not more than one Constable for each Justice's Court, together with such clerks, deputy constables and other officers as may be authorized by the Board of Supervisors; provided however, that if the Legislature

shall substitute some other system of inferior courts for and in place of the system of courts of Justices of the Peace now established, then upon the establishment of such inferior courts, the office of Constable in each township shall cease to exist.

Sec. 22: Justices of the Peace in each township shall be nominated and elected at the times and in the manner and for the terms now or hereafter provided by general law. Constables shall be appointed by the Sheriff from the eligible civil service list.

Sec. 23: The compensation of Justices of the Peace of each township and of Constables shall be fixed by the Board of Supervisors and must be by salary only, which need not be uniform for the several townships, nor proportionate to the population therein. Their duties and qualifications shall be such as are now, or which may be hereafter prescribed by law or by this Charter.

Sec. 24: Every township Justice of the Peace and Constable shall make settlement of, and pay into the County Treasury, all fees collected by him, in the manner and at the times specified in Section 19 of this Charter. The fees to be so paid into the treasury by each constable shall include all fees charged and collected by him for service of any writ or process of any Court, or for any act or service done or rendered by him, or which he has power or which it is his duty to do or render in his official capacity; and every Constable shall enter in the fee book kept by him all such fees charged and collected by him, and pay the same into the County Treasury as above provided, without deduction for any such acts or service purporting or claimed to have been done or rendered by him as a private citizen.

DUTIES OF OFFICERS

Sec. 25: In addition to the powers and duties conferred or imposed upon District Attorneys by the laws of the State of California, the District Attorney shall also be the attorney for the Public Administrator, and shall in the matter of all estates which the Public Administrator has been appointed to administer, collect the attorney's fees allowed therein by law, and pay the same into the County Treasury.

Sec. 26: Constables shall be ex-officio deputy sheriffs, and shall be under the supervision and direction of the Sheriff. Each Constable shall be subject to the orders of the Sheriff, must serve process within his township or elsewhere when requested, and shall also perform all the duties required of him by law.

Sec. 27: The Public Defender, upon request of the defendant, or upon order of the Court, shall defend without expense to him, all persons who are not financially able to employ counsel, and who are charged with the commission of any contempt, misdemeanor, felony, or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in the reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed one hundred dollars, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

He shall also have the powers and perform the duties now or hereafter prescribed by general law.

Sec. 28: The Purchasing Agent shall be in charge of the County store, and shall purchase, except as otherwise provided in this Charter, all materials, supplies, equipment, and all other personal property for all departments, offices, boards, courts, commissions and institutions of the County. All departments, offices, boards, courts, commissions and institutions shall, when requested, furnish the Purchasing Agent a detailed statement of the materials, supplies, equipment, and other personal property required by each of them during the fiscal year.

The Purchasing Agent shall purchase and keep in the County store, all materials, supplies, equipment and other personal property which reasonably and advantageously may be kept in such store, and shall issue such materials, supplies, equipment and other personal property on requisition of the department, office, board, court, commission or institution requiring them. Other materials, supplies, equipment and personal property shall be purchased by the Purchasing Agent upon the requisition of the department, office, board, court, commission or institution requiring the same.

The Purchasing Agent shall standardize as far as possible, all materials, supplies, equipment and other personal property required for the conduct and operation of all departments, offices, boards, courts, commissions and institutions of the County and maintain a continuous inventory.

The Purchasing Agent shall not furnish any materials, supplies, equipment or other personal property for any department, office, board, court, commission or institution unless there is an unencumbered balance to the credit of such department, office, board, court, commission or institution sufficient to pay therefor.

The Purchasing Agent shall sell all personal property determined by the Board of Supervisors to be no longer required or suitable for County use, in such manner as said Board shall direct. All such sales shall be reported to and ratified by the Board of Supervisors before becoming effective.

Sec. 28.1: Notwithstanding the provisions of Section 28 and Section 29 of this Charter, the Board of Supervisors may provide by contract with an city, town, district, or public agency of the county for the joint purchase of any or all materials, supplies, equipment and other personal property required for the conduct and operation of county departments, offices, boards, commissions and institutions which may be standardized for the mutual benefit of the county and such city, town, district or public agency. Such agreement shall specify the property to be standardized and the agency and method by which such property is to be purchased.

(Amendment ratified June 5, 1956. Effective January 4, 1957.)

Sec. 29: Each county and township officer, board and commission shall have the powers and perform the duties now or hereafter prescribed by general law and by this Charter, as to such officer, Board or Commission.

Sec. 30: The Auditor shall install and maintain a modern accounting system which shall include a standard classification of income and expenditures as will permit of the preparation at any time of a general balance sheet disclosing the exact financial condition of the County as to assets and liabilities. He shall prescribe uniform forms of account blanks, books of record, and other financial stationery used in connection with the accounting system, for all offices and departments of the County.

The Auditor may, with the approval of the Board of Supervisors, contract with a duly certified public accountant, or accountants to design and install the accounting system herein referred to, or any portion thereof, or extension thereto.

ROADS AND HIGHWAYS

Sec. 31: The Board of Supervisors may provide for the formation of road districts for the care, maintenance, repair and supervision of roads, highways, tunnels, viaducts, conduits, subways and bridges; and for the formation of highway construction divisions for the construction of roads, highways, tunnels, viaducts, conduits, subways, and bridges; for the inclusion in any such district or division of the whole or any part of any incorporated city or town upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town the portion thereof proposed to be so included at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein for such purposes by taxation upon the assent of a majority of the qualified electors of such districts or divisions voting at an election held for that purpose; for the incurring of indebtedness therefor by the county, district, or division for such purposes, respectively, by the issuance and sale by the County, of bonds of the County, District or Division, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the County, District or Division, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided that any such indebtedness shall not be incurred without the assent of two-thirds of the qualified electors of the County, District or Division, as the case may be, voting at an election held for that purpose, nor unless before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity which shall not exceed forty years from the time of contracting the same; and the procedure for voting, issuing and selling such bonds, except, insofar as the same shall be otherwise prescribed in this Charter, shall conform to general laws for the authorizing and incurring of bonded indebtedness by counties so far as applicable, provided further, that the construction, care, maintenance, repair and supervision of roads, highways, tunnels, viaducts, conduits, subways, and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the legislature.

Sec. 32: (Repealed. Repeal ratified June 2, 1964, effective March 18, 1965.)

CIVIL SERVICE

Sec. 33: The Civil Service Commission, heretofore created, shall consist of five electors of the County, each of whom shall have been a resident of the County for five years next preceding his appointment, and his name shall be on the county assessment roll at the time thereof. The Board of Supervisors shall, within thirty days after the ratification of this Section, appoint two electors of the County as members of the Commission, to take office as soon as appointed and qualified, one to serve until the first Monday after the first day of January, 1970, and one to serve until the first Monday after the first day of January, 1972. If this amendment is ratified after the first Monday after the first day in January, 1969, then the Board of Supervisors shall appoint one of the new Commissioners to serve until the first Monday after the first day in January, 1974. The terms of Commissioners incumbent at the time of ratification hereof are continued to the expiration of their six year terms.

Upon the expiration of the term of any Commissioner, the Board of Supervisors shall appoint his successor for a term of five years. Any vacancy in the office of Commissioner shall be filled by the Board of Supervisors for the unexpired term. Each Commissioner shall serve until the first Monday after the first day of January of

the fifth year following his appointment, or until his successor is appointed and qualified. No Commissioner shall hold any other salaried County office.

The Board of Supervisors by a four-fifths vote of all the members, may remove a Commissioner during his term of office, but only upon stating in writing the reasons for such removal, and allowing him an opportunity to be publicly heard in his own defense. The Commission shall elect one of its members President.

(Amendment ratified June 4, 1968. In effect July 8, 1968.)

Sec. 34: Each Commissioner shall receive a compensation of Ten Dollars for each meeting of the Commission attended by him, not to exceed five meetings in any calendar month. The Commission shall appoint a Chief Examiner, and such other employees as it may deem necessary. The Chief Examiner shall act as secretary.

Sec. 35: The Civil Service of the County is hereby divided into the unclassified and the classified service. The unclassified service shall include:

- (a) All officers elected by the people, and their chief deputies.
- (b) All assistants, deputies and other employees in the office of the District Attorney.
- (c) All appointive boards and commissions.
- (d) All persons serving the County without compensation.
- (e) Not to exceed two confidential employees in the office of the Board of Supervisors.

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service, provided that in the case of a vacancy requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended, but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported by the Commission, together with the reasons therefor, to the Board of Supervisors.

(Amendment ratified November 7, 1972. In effect March 1, 1973.)

Sec. 36: It shall be the duty of the Civil Service Commission:

(a) To provide for the classification of all positions in the classified Civil Service and from time to time for the reclassification of any or all such positions and for the allocation and reallocation of individual positions to classes in such manner as to permit and encourage the filling of higher classes by promotion. In the performance of such duty, the Commission shall be guided by the principles presently set forth in Section 18,801 of the Government Code of the State of California. Each such action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board.

(Amendment ratified November 2, 1954. In effect March 8, 1955.)

(b) To provide for the preparation and holding of competitive examinations in order to test the relative fitness of all applicants for appointment to or promotion in the classified Civil Service; provided, however, that noncompetitive qualifying examinations may be given to incumbents with tenure in positions which are reclassified or reallocated, and that the name of each incumbent who qualifies in such qualifying examination shall be placed on an eligible list and the said incumbent shall be appointed subject to probation to the reclassified or reallocated position, anything in this Charter to the contrary notwithstanding. Adequate notice but not less than twenty-five days notice shall be given of each competitive examination.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

(c) To provide a period of probation for each class in the classified civil service before appointment or promotion is complete, during which period a probationer may be discharged or reduced. Each such action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board.

(Amendment ratified November 2, 1954. In effect March 8, 1955.)

(d) To examine the payrolls of all employees in the classified civil service and the County Auditor shall not pay or approve any payment of salaries to such persons unless there appears on the payroll therefor, a certification by the Commission that the persons named thereon have been appointed to their respective positions in accordance with the provisions of this Charter.

(Amendment ratified November 5, 1940. In effect December 4, 1940.)

(e) To recommend to the Board of Supervisors at least sixty days prior to the end of each fiscal year a rate of pay for each class in the classified civil service based upon a comparison of salaries being paid for like service and working conditions in other comparable places of public and private employment in order that all salaries shall be uniform for like service in each class of the classified civil service.

(Amendment ratified November 2, 1954. In effect March 8, 1955.)

Sec. 37: Appointments to positions in the classified civil service shall be either regular or temporary.

Whenever a position in the competitive classified civil service is to be filled by a regular appointment, the appointing authority shall notify the Commission of that fact, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, and the appointing authority shall appoint to such position one of the three persons certified to him.

If a candidate refuses three offers of a regular appointment from the same eligible list, his name shall be moved to the last place on said list, provided however, that a candidate may file a written request with the Commission that his name be withheld from certification, in which event he shall not be certified until he files a written request with the Commission that his name be restored on said list if said list is then in existence.

Whenever a position in the competitive classified civil service is to be filled by a temporary appointment the appointing authority shall notify the Commission of the fact, stating the length of employment, which shall not exceed a period of five months except when employed for the duration of a leave of absence, and the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, who have filed with the Commission a written request for temporary appointments, and the appointing authority shall appoint to such position one of the three persons certified to him.

Temporary appointments cannot exceed a total period of five months for any one person in any one county department in any one fiscal year except when employed for the duration of one leave of absence.

During the time a person is occupying a position under a temporary appointment, such person shall be eligible to certification for a regular appointment in the same manner as though such person had not received a temporary appointment.

Employment under a temporary appointment, or under a temporary appointment for the duration of a leave of absence, shall give no right or preference to a regular appointment, and shall serve as no part of a period of probation.

A person in any position in the classified civil service may be appointed to another position of no higher rate of compensation in the same class and grade without certification from an eligible list with the written consent of himself, and where the appointment is to another county department then also with the written consents of the

appointing authorities, such consent or consents being first filed with the County Clerk and duplicate copies thereof being filed with the Civil Service Commission.

(Amendment ratified November 7, 1944. In effect January 15, 1945.)

Sec. 38: When a position now in the unclassified Civil Service is by Charter amendment or by action of the Board of Supervisors included in the classified Civil Service, any employee who has held such position for one year prior to the effective date of such action shall be blanketed into the classified Civil Service and shall hold his position until discharged, reduced, promoted or transferred in accordance with the provisions of the Charter relating to Civil Service.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

Sec. 39: Any person who has served in the armed forces of the United States during a war or campaign as defined by Section 18973 of the Government Code of the State of California and who has been discharged or released under honorable conditions, who shall become eligible for certification from eligible lists by attaining the passing mark established for the examination shall be given one of the following preferential credits which added to his rating on such examination shall constitute his total rating:

(a) In entrance examinations: Disabled Veterans, 10 points; All other Veterans, 5 points;

(b) In promotional examinations: Disabled Veterans, 3 points; All other Veterans, 1 point.

For the purpose of this section 'disabled veteran' means any veteran as defined herein who is currently declared by the United States Veterans Administration to be ten percent or more disabled as a result of his service.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

Sec. 40: Any officer or employee in the classified civil service may be removed, suspended or reduced in rank or compensation by the appointing authority, after appointment or promotion is complete, by an order in writing, stating specifically the reasons therefor. Said order shall be filed with the Civil Service Commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. Such employee may reply in writing to said order within ten days from the date of filing said order with the Civil Service Commission. Any person removed, suspended or reduced in rank or compensation, may, within ten working days after presentation to him of the order of removal, suspension or reduction as hereinabove provided, appeal to the Civil Service Commission from such order. The Commission shall within two weeks from the filing of said appeal, commence the hearing thereof, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

(Amendment ratified June 7, 1966. In effect February 27, 1967.)

Sec. 41: No officer or employee of the County in the classified civil service shall directly or indirectly make, solicit or receive, or be in any manner concerned in making, soliciting or receiving any assessment, subscription, or contribution for any political party or any political purpose whatsoever. No person holding a position in the classified civil service shall take any part in political management or affairs in any political campaign or election, or in any campaign to adopt or reject any initiative or referendum measure other than to cast his vote or to privately express his opinion. Any employee violating the provisions of this section may be removed from office.

Sec. 42: The Commission, for the purpose of carrying into effect the civil service provision of this Charter, shall have power to investigate the conduct and operation of any department or board, and to subpoena and require the attendance of witnesses and the production of books and papers, and to administer oaths. Any person failing to obey its subpoena or refusing to testify or produce books, or papers required of him shall be deemed to be in contempt, and the Commission shall have power to take such proceedings in the punishment thereof as may be taken by boards of supervisors as provided by the laws of the State of California.

Sec. 43: The Commission shall have power to adopt such rules as may be necessary and proper for the enforcement of the foregoing provisions of this Charter.

Sec. 44: No person in the classified civil service or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or because of race or national origin.

(Amendment ratified June 2, 1964. In effect March 18, 1965.)

Sec. 45: If any portion of this Charter relating to civil service should be held to be unconstitutional, the Board of Supervisors shall, by ordinance, provide for a civil service of the County, prescribe the duties of the Civil Service Commission, and such civil service rules and regulations as they shall deem proper to govern the appointment of any and all officers, assistants, deputies, clerks, attaches, and other persons to be employed in the several offices and institutions of the County.

LABOR

Sec. 46: In the employment of persons in the service of the County where sex does not actually disqualify, and where the equality and quantity of service is equal, there shall be no discrimination in selection or compensation on account of sex.

Sec. 47: The Board of Supervisors shall provide the number of hours, but not to exceed eight hours, that shall constitute a day's work for mechanics and others engaged in manual labor in the service of the county; said number of hours to be the prevailing number of hours constituting a day's work for such service rendered in private employment.

(Amendment ratified June 4, 1946. In effect July 25, 1946.)

Sec. 48: In fixing compensation, the Board of Supervisors shall in each instance provide a salary or wage at least equal to the prevailing salary or wage, for the same quality of service rendered to public employers and private persons, firms or corporations under similar employment, in case such prevailing salary or wage can be ascertained.

(Amendment ratified June 2, 1964. In effect March 18, 1965.)

BUDGET

Sec. 49: On or before the first Monday in July of each year every Department, Office, Court, District, Board and Commission of the County shall file with the Auditor an estimate in writing of the amount of expenditures specifying in detail the objects thereof required in such Department, Office, Court, District, Board or Commission, for the current fiscal year, including a statement of all salaries.

Sec. 50: On or before the first Monday in August of each year the Auditor shall transmit to the Board of Supervisors a budget in writing containing an estimate of the

expenditures of the County for the current fiscal year as determined by the reports filed as required by the preceding section. Said budget shall include an estimate of the probable revenue of the County exclusive of taxes upon property, classified in detail according to sources; a statement of the amounts necessary to meet the interest and principal of all bonded indebtedness, and the following information arranged in parallel columns:

(a) Detailed estimate of the expense of conducting each Department, Office, Court, District, Board and Commission as transmitted to him by the respective Departments, Offices, Courts, Districts, Boards and Commissions.

(b) Expenditures for corresponding items for the last two fiscal years.

(c) Detailed objects of expenditures.

(d) Such other information as the Board of Supervisors may require.

Said budget also shall include an estimate of the probable amount required to be levied and raised by taxation.

Sec. 51: The Board of Supervisors upon receipt of the budget from the Auditor, shall proceed to the consideration thereof at public hearings, notice of which shall be given in the manner prescribed by the Board.

Sec. 52: The Board of Supervisors, on the first Tuesday in September of each year, shall finally pass the annual appropriation ordinance, which ordinance shall provide for the entire cost of the County government during the current fiscal year. Said ordinance shall take effect immediately upon its passage.

No salary or compensation of any appointive officer or employee shall be increased except by provision made therefor in the annual appropriation ordinance. The Board shall have power to create additional offices or positions to provide for urgent necessities.

Sec. 53: The Board of Supervisors may appropriate a sum each year for urgent necessities. No money shall be paid out of such appropriation unless authorized by a four-fifths vote of the Board.

Sec. 54: No expenditure shall be made unless a specific appropriation shall have been made therefor in the annual appropriation ordinance, except as may be otherwise provided in this Charter.

Sec. 55: At the close of each fiscal year, the unexpended balance of each appropriation against which no salaries, contracts for work or supplies, or other commitments are outstanding, shall revert to the fund from which it has been appropriated. Any money in the general fund otherwise unappropriated may be appropriated by the Board of Supervisors at any time by ordinance.

Sec. 56: The Board of Supervisors shall authorize the disbursement of all public moneys except as otherwise specifically provided by law or by this Charter.

Sec. 57: The Board of Supervisors shall cause to be prepared a preliminary budget to cover all expenditures required between the first day of July in each year and the passage of the annual appropriation ordinance. No warrant shall be drawn except upon an unexhausted specific appropriation.

ANNUAL AUDIT OF ACCOUNTS

Sec. 58: At the beginning of each fiscal year the Board of Supervisors shall employ, at a stipulated compensation, a certified public accountant or accountants, who shall examine the books, records and reports for the preceding fiscal year, of all

county and township officers and employees, and make duplicate reports of his or their findings thereon, one of which shall be filed with the Board of Supervisors and one with the Auditor. Such accountant or accountants shall have unlimited privilege of investigation, and the same powers with regard to compelling the attendance of witnesses, the production of books and papers, and the administering of oaths as are conferred on boards of supervisors. Every County and township officer and employee shall give all required assistance and information to such accountant or accountants, and submit to him or them, for examination such books and papers of his office as may be requested, and failing to do so may be removed from office.

APPRAISAL OF PROPERTY

Sec. 59: (Repealed. Repeal ratified January 9, 1931.)

MUNICIPAL FUNCTIONS

Sec. 60: The Board of Supervisors may require any county department, officer, board or commission, to perform any or all of the functions of any department, officer, board or commission of any city, town, district, or public agency in the county whenever requested by such city, town, district or public agency. The terms and conditions upon which such functions are to be performed by the county shall be fixed by agreement, which may provide for the consideration to be paid to the county, the including within county civil service with or without examination of any or all officers or employees who have been performing such functions for such city, town, district, or public agency, and for the terms and conditions upon which such persons are to be employed in the classified service of the county, including pension or retirement benefits, seniority, sick leave, vacation or any other rights or benefits granted county employees.

(Amendment ratified June 5, 1956. Effective January 24, 1957.)

Sec. 61: In every case where the County undertakes the collection of taxes for cities or towns, the tax rate certified by such cities and towns shall be added to the tax rate fixed by the Board of Supervisors in determining the total amount of taxes due on each assessment liable therefor, and it shall not be necessary to enter said city or town tax in a separate column.

RECALL

Sec. 62: Any elective or appointive county or township officer may be recalled by the electors at any time after he has held his office six months. Such recall shall be effected as follows: A petition demanding the election or appointment of a successor to the person sought to be recalled shall be filed with the County Clerk, which petition shall be signed by qualified electors equal in number to at least fifteen percent of the entire vote cast within the County for all candidates for the office of Governor of the State at the last preceding election at which a Governor was elected (or at least twenty-five per cent of such vote cast within the district or township for which the officer sought to be recalled was elected or appointed in case of an official not elected by, or appointed for the County), and shall contain a statement of the grounds on which the recall is sought. No insufficiency of form or substance in such statement shall affect the validity of the election and proceedings held thereunder.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his occupation and place of residence, giving street and number, or if no street or number exist, then such a designation of his residence as will enable the location to be readily ascertained. To each separate paper of such

petition shall be attached an affidavit made by a qualified elector of the County (or particular subdivision of the County as the case may be), stating that the affiant circulated that particular paper and saw written the signatures appended thereto, and that according to the information and belief of the affiant, each of said signatures is genuine and the signature of a qualified elector of the County, or particular subdivision thereof, as the case may be.

Within ten days from the filing of such petition the County Clerk shall, from the records of registration, determine whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing such determination. If such certificate shows the petition to be insufficient it may be supplemented within ten days from the date of the certificate by the filing of additional papers, duplicates of the original petition, except as to the names signed. The County Clerk shall within ten days after such additional papers are filed, ascertain from the records of registration and certify whether or not the names to such petition, including such additional papers, are still insufficient, and if insufficient, no action shall be taken thereon; but the petition shall remain on file as a public record. The failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect. If required by the County Clerk, the Board of Supervisors shall authorize him to employ, and shall provide for the compensation of persons necessary in the examination of said petition and supplementing petition, in addition to the persons regularly employed by him in his office. In case the County Clerk is the officer sought to be recalled, the duties in this Section provided to be performed by him, shall be performed by some other person designated by said Board of Supervisors for this purpose.

If the petition shall be found to be sufficient, the County Clerk shall submit the same to the Board of Supervisors without delay, whereupon the Board shall forthwith cause a special election to be held not less than thirty-five nor more than forty days after the date of the order calling such an election, to determine whether such officer shall be recalled; provided, that if an election is to occur in the same territory within not less than thirty-five days or more than sixty days from the date of the order calling such recall election, the Board may in its discretion, postpone the holding of such recall election to such election.

If a vacancy occurs in said office after a recall petition is filed, and the office is elective, the election shall nevertheless proceed as in this Section provided. One petition is sufficient to propose the recall of one or more officials and the election of successors to such thereof as are elective.

Nomination for any elective office under such recall election shall be made by petition in the manner prescribed by Section 1188 of the Political Code, except that no party affiliation of candidate, signer, or verification deputy shall be given, nor shall the participation in a primary election be a bar to signing such petition.

Upon the sample ballot there shall be printed in not more than two hundred words the grounds set forth in the recall petition for demanding the recall of the officer, and upon the same ballot in not more than two hundred words the officer may justify himself. There shall be printed on the recall ballot as to every officer whose recall is to be voted on, the following questions: "Shall (name of person against whom the recall petition is filed), be recalled from the office of (title of office)?" Following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each in which the voter shall be stamping a cross (X) indicate his vote for or against such recall. On such ballots under each question there shall also be printed, if the officer sought to be recalled by an elective officer, the names of those persons who shall have been nominated as candidates to succeed him in case he shall be recalled at such election, but no vote shall be counted for any candidate for said office unless the voter also voted on the question of the recall of the person sought to be recalled therefrom. The name of the person sought to be recalled shall not appear on the ballot as a candidate for the office.

If a majority of those voting on said question of the recall of any incumbent, shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes" said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass the votes for candidates for said office and declare the result in like manner as in a general election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law. If the incumbent of an appointive office be recalled at such election, his successor shall be appointed immediately after the canvassing of the vote.

Before any petition can be filed under this Section for the recall of any person in the classified service of the County, there shall be presented to and passed upon by the Civil Service Commission, a complaint in writing giving the grounds for and asking the removal of such person. Such complaint must be considered and be finally acted upon by the Commission within twenty days after such filing.

MISCELLANEOUS

Sec. 63: Each county or township officer, Board or Commission shall appoint from the eligible civil service list, except as otherwise provided in this Charter, for either permanent or temporary service, all assistants, librarians, deputies, clerks, attaches, and other persons in the office or department of such officer, Board or Commission, as the number thereof is fixed, and from time to time changed by the Board of Supervisors; provided, that appointments to the unclassified service in their respective offices and departments shall be made by such officers, Boards and Commissions without reference to such eligible list.

Sec. 64: (Repealed. Repeal ratified June 4, 1946. Effective July 25, 1946.)

Sec. 65: All officers, assistants, deputies, clerks, attaches and employees shall be allowed their actual, necessary traveling expenses in the performance of official duties.

Sec. 66: No elective or appointive officer or employee who receives compensation as such shall hold any other public office of profit as said term is herein defined, except the office of notary public, or an office in the National Guard of the State of California, or an office in any reserve military or naval force of the United States Government. By the term "Public office of profit" as used herein is meant any public office with a salary or compensation attached thereto of twenty-five dollars or more a month. No officer or employee shall be interested directly or indirectly in any contract or transaction with the County, or become surety upon any bond given to the County. No officer or employee shall receive any commission, money, or thing of value, or derive any profit, benefit or advantage, directly or indirectly, from or by reason of any dealings with, or service for the County, by himself or otherwise, except his lawful compensation as such officer or employee. Any violation of the provisions of this section shall render the contract or transaction involved voidable at the option of the Board of Supervisors.

It shall be the duty of every officer and employee who shall have knowledge of any violation of the provisions of this Section immediately to report such violation to the Board of Supervisors, and failing so to do may be removed from his office or employment.

(Amendment ratified November 4, 1930. In effect January 9, 1931.)

Sec. 67: Nothing in this Charter is intended to affect, nor shall be construed as affecting, the tenure of office of any of the elective officers of the County or of any district, township or division thereof in office at the time this Charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law; nor shall anything in this Charter be construed as changing or affecting the compensation of any such officer during the term for which he shall have been elected, but the successors of each and all such officers shall be elected or appointed as in this Charter provided, and not otherwise.

Sec. 68: In the purchase of property by the County, price and quality being equal, preference shall be given to Alameda County products.

Sec. 69: Every contract entered into with the County shall contain a provision that, price and quality being equal, preference shall be given by the contractor to Alameda County products.

Sec. 70: Nothing contained in this Charter shall affect or be construed as affecting the offices or courts of the City Justices of the Peace of the various cities in the County of Alameda as said offices or courts now exist, or as may be hereafter provided by law, or with the duties and powers of the County Clerk pertaining to preparing and supplying ballots, sample ballots and the index of the Great Register of the County.

Sec. 71: If any section, sub-section, sentence, clause, or phrase of this Charter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Charter. It being hereby expressly declared that this Charter, and each section, subsection, sentence, clause and phrase thereof would have been prepared and proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, sub-sections, sentences, clauses or phrases be declared invalid or unconstitutional.

Sec. 72: This Charter shall take effect immediately upon its approval by the Legislature.

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